

**SUPREME COURT MINUTES  
WEDNESDAY, NOVEMBER 30, 2005  
SAN FRANCISCO, CALIFORNIA**

**S127754**

LARGE (SAM HENRY) ON H.C.  
Order to show cause issued

Petition for writ of habeas corpus  
GRANTED.

The Director of the Department of Corrections is ordered to show cause before this court, when the matter is ordered on calendar, why petitioner is not entitled to the relief requested. The return is to be filed on or before December 30, 2005.

Votes: George, C.J., Kennard, Werdegar, Chin, and Moreno, JJ.

**S138130**

C043392 Third Appellate District

ROSS v. RAGINGWIRE

Petition for review granted (civil case)

Votes: George, C.J., Kennard, Werdegar, and Moreno, JJ.

**S137422**

E034205 Fourth Appellate District,  
Division Two

PEOPLE v. RODGERS

Review granted/briefing deferred (rule 29.1) - criminal

Petition for review GRANTED. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Dolly*, S134505 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, and Moreno, JJ.

**S137729**B171348 Second Appellate District,  
Division Two

PEOPLE v. MEDINA

Review granted/briefing deferred (rule 29.1) - criminal

Petition for review GRANTED. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Medina*, S137055 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, and Moreno, JJ.

**S133042**

SICKLE ON DISCIPLINE

Let a writ of review issue; remanded to State Bar

Petition for writ of review GRANTED.

Pursuant to rule 953.5 of the California Rules of Court, the above entitled matter is remanded to the State Bar Court Review Department with directions to vacate its recommendation as to discipline and to solicit briefing on the application of Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct (Standards). In reconsidering the degree of discipline, the State Bar Court Review Department shall consider the application of the Standards to setting an appropriate degree of discipline in this proceeding, including any ground that may form a basis for an exception to their application. (See Standards, § 1.6, 2.7; see generally *In re Silverton*(2005) 36 Cal.4th 81, 89-92 [observing that although the Standards are not binding on this court, the court affords them "great weight"].)

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, and Moreno, JJ.

**S137296**

H028602 Sixth Appellate District  
H027315

QUINTERO (JESUS CARRIZOZA) ON H.C.  
Review granted; transferred to CA 6 to issue OSC

Petition for review GRANTED. The matter is transferred to the Court of Appeal, Sixth Appellate District, with directions to vacate its August 26, 2005 order denying the petition for writ of habeas corpus and to issue an order to show cause, returnable before the Santa Clara County Superior Court. The Director of the Department of Corrections and Rehabilitation is to be ordered to show cause before the Santa Clara County Superior Court, when the matter is ordered on calendar, why petitioner is not entitled to relief based on the ineffective assistance of trial counsel, as petitioner contends in Ground I of the original petition for writ of habeas corpus filed in the Court of Appeal on March 29, 2005. The return is to be filed on or before December 30, 2005.

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, and Moreno, JJ.

**S137511**

E038824 Fourth Appellate District,  
Division Two

DUPREE v. S.C. (PEOPLE)  
Review granted; transferred to CA 4/2

Petition for review is GRANTED. The matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, with directions to vacate its order denying mandate and to issue an alternative writ to be heard before that court when the proceeding is ordered on calendar on the question whether the trial court abused its discretion in denying defendant's timely application for a certificate of probable cause (Pen. Code, § 1237.5). (See *People v. Hoffard* (1995) 10 Cal.4th 1170, 1178-1179; *People v. Holland* (1978) 23 Cal.3d 77, 84.)

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, and Moreno, JJ.

**S137574**

G035816 Fourth Appellate District,  
Division Three

**MURILLO v. S.C. (PEOPLE)**

Review granted; transferred to CA 4/3 to issue OSC

Petition for review is GRANTED. The matter is transferred to the Court of Appeal, Fourth Appellate District, Division Three, with directions to vacate its order denying mandate and to issue an order to show cause why the relief sought should not be granted.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, and Moreno, JJ.

**S124828**

B168200 Second Appellate District,  
Division Eight

**BENNIGSON v. ALSDORF**

Dismissed per rule 29.3(b), and remanded to CA 2/8

Pursuant to the notice of settlement in this court filed on November 10, 2005, review in the above-entitled matter is dismissed. (Cal. Rules of Court, rule 29.3(b).)

Votes: George, C.J., Baxter, Werdegar, Chin, and Moreno, JJ.

**S115079****DICKEY (COLIN R.) ON H.C.**

Petition for writ of habeas corpus denied.

The petition for writ of habeas corpus is denied.

All claims are denied on the merits. The following claims are also denied on procedural grounds. Claims 1, 2, 3, 19, 20, 21, 23 (insofar as it alleges the prosecutor took on the role of an unsworn forensics expert), 24, 25, 26, and 27 are barred because they were raised and rejected on appeal. (*In re Harris* (1973) 5 Cal.4th 813, 829-841; *In re Waltreus* (1965) 62 Cal.2d 218.)

Claims 18 and 23 (insofar as it alleges the prosecutor engaged in deception with regard to the venetian blind) are barred because they were not raised on appeal but could have been. (*In re Harris, supra*, 5 Cal.4th at p. 825, fn. 3; *In re Dixon* (1953) 41 Cal.2d 756, 759.)

**S133446**

AYALA (HECTOR) ON H.C.

Petition for writ of habeas corpus denied

The petition for writ of habeas corpus is denied without prejudice to the refiling of the petition after the United States Supreme Court has resolved related issues in two cases in which the high court has recently granted certiorari. (See *Sanchez-Llamas v. Oregon* (Ore. 2005) 108 P.3d 573, cert. granted Nov. 7, 2005, \_\_\_ U.S. \_\_\_ [74 U.S.L.Week 3287]; *Bustillo v. Johnson* (Va.Cir.Ct. 2004) 65 Va. Cir. 69, cert. granted Nov. 7, 2005, \_\_\_ U.S. \_\_\_ [74 U.S.L.Week 3287].)

Kennard and Moreno, JJ., are of the opinion an order to show cause should be issued.

**S132861**

VIRSIK ON DISCIPLINE

Petition for writ of review denied

It is ordered that THOMAS STEVEN VIRSIK, State Bar No. 188945, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 60 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Review Department of the State Bar Court in its opinion filed on January 14, 2005. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code § 6086.10 and payable in accordance with Business & Professions Code § 6140.7.

**S137167**B176701 Second Appellate District,  
Division Five

PEOPLE v. HILL

Petition for review and depublication request denied

**S137216**

A106687 First Appellate District,  
Division Three

## PEOPLE v. KING

Petition for review and publication request denied

Request for judicial notice granted.

**S137258**

E038704 Fourth Appellate District,  
Division Two

## HELLER (MICHAEL J.) ON H.C.

Petition for review denied

**S137270**

B185169 Second Appellate District,  
Division Two

## NOA (JUAN CARLOS) ON H.C.

Petition for review denied

**S137322**

E035462 Fourth Appellate District,  
Division Two

## PEOPLE v. LUEVANO

Petition for review denied

**S137341**

B180452 Second Appellate District,  
Division Three

## WALLACE (TYRONE) ON H.C.

Petition for review denied

**S137380**

E035703 Fourth Appellate District,  
Division Two

## PEOPLE v. FERNANDEZ

Petition for review denied

Kennard, J., is of the opinion the petition should  
be granted.

**S137410**

A106395 First Appellate District,  
Division Five

## PEOPLE v. ELLIOT

Petitions for review denied

**S137413**

D046955 Fourth Appellate District,  
Division One

## ELSHIRE (LAURA) ON H.C.

Petition for review denied

**S137435**

F045937 Fifth Appellate District

## PEOPLE v. FAGAN

Petition for review denied

Baxter, J., was recused and did not participate.

**S137459**

A104998 First Appellate District,  
Division Five

## PEOPLE v. DELEON

Petition for review denied

**S137463**

B173686 Second Appellate District,  
Division Five

## PEOPLE v. AGUILAR

Petitions for review denied

**S137477**

E033414 Fourth Appellate District,  
E033995 Division Two

## PEOPLE v. LOPEZ

Petitions for review denied

**S137480**

B173610 Second Appellate District,  
Division Six

## PEOPLE v. MILES

Petition for review denied

**S137487**

A102390 First Appellate District,  
Division Two

## PEOPLE v. HIGHTOWER

Petition for review denied

**S137489**

F048733 Fifth Appellate District

## PEDEN (MICHAEL) ON H.C.

Petition for review denied

**S137498**

C045298 Third Appellate District

## PEOPLE v. MOMEYER

Petitions for review denied

**S137523**

D045115 Fourth Appellate District,  
Division One

## A. (TOMMY) IN RE

Petition for review denied

Kennard, J., is of the opinion the petition should  
be granted.

**S137558**

B173841 Second Appellate District,  
Division One

## PEOPLE v. TYSON

Petition for review denied

**S137560**

F046078 Fifth Appellate District

## PEOPLE v. FERRELL

Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

Baxter, J., was recused and did not participate.

**S137578**E036339 Fourth Appellate District,  
Division Two

## PEOPLE v. FORD

Petition for review denied

**S137580**B174857 Second Appellate District,  
Division One

## PEOPLE v. PERRY

Petition for review denied

**S137581**B185545 Second Appellate District,  
Division Six

## BARNFIELD (JAMES) ON H.C.

Petition for review denied

**S137586**D045382 Fourth Appellate District,  
Division One

## COSHOW v. CITY OF ESCONDIDO

Petition for review denied

**S137587**B175945 Second Appellate District,  
Division Two

## PEOPLE v. RANSOM

Petition for review denied

**S137590**D043892 Fourth Appellate District,  
Division One

## PEOPLE v. FLOWERS

Petition for review denied

**S137591**A104964 First Appellate District,  
Division ThreeMASON SHOE MANUFACTURING CO. v. STATE  
BOARD OF EQUILIZATION

Petition for review &amp; publication request denied

**S137610**E038853 Fourth Appellate District,  
Division Two

## AVINA (DAVID A.) ON H.C.

Petition for review denied



**S137616**

F046565 Fifth Appellate District

PEOPLE v. SHERMAN

Petition for review denied

**S137618**E035782 Fourth Appellate District,  
Division Two

PEOPLE v. ROSS

Petitions for review denied

**S137623**B178976 Second Appellate District,  
Division Five

PEOPLE v. ZEPEDA

Petition for review denied

**S137628**

F044322 Fifth Appellate District

N. (BRIAN) IN RE

Petition for review denied

without prejudice to a petition to modify or vacate the order of restitution in the Kern County Superior Court (Welf. & Inst. Code § 729.5, subd. (f)). (*People v. Martinez* (2005) 36 Cal.4th 394, fn. 2.)

**S137632**G033318 Fourth Appellate District,  
Division Three

PEOPLE v. ALASHANTI

Petition for review denied

**S137650**

H028552 Sixth Appellate District

HUGHES v. S.C. (PEOPLE)

Petition for review denied

**S137664**B184794 Second Appellate District,  
Division Three

VALDEZ (RICARDO) ON H.C.

Petition for review denied

**S137667**B176173 Second Appellate District,  
Division One

PEOPLE v. THOMAS

Petitions for review denied

**S137670**B185873 Second Appellate District,  
Division Seven

DALE (DEXTER E.) ON H.C.

Petition for review denied

**S137675**

D044386 Fourth Appellate District,  
Division One

## CANTOR v. NICHOLS

Petitions for review denied

**S137687**

B177364 Second Appellate District,  
Division Four

## PEOPLE v. OGBURN

Petition for review denied

**S137709**

B158635 Second Appellate District,  
Division Four

## CLIFFORD v. AMERICAN DRUG STORES INC.

Petition for review denied

**S137712**

A107123 First Appellate District,  
Division Five

## PEOPLE v. HARMON

Petition for review denied

**S137716**

A105673 First Appellate District,  
A106160 Division Three

## JONES v. JOHN CRANE, INC.

Petition for review denied

**S137722**

E036730 Fourth Appellate District,  
Division Two

## PEOPLE v. STAFFORD

Petition for review denied

**S137746**

G033400 Fourth Appellate District,  
Division Three

## PEOPLE v. PARK

Petition for review denied

**S137778**

E038839 Fourth Appellate District,  
Division Two

## PALUZZI (LOUIS M.) ON H.C.

Petition for review denied

**S137789**

A111359 First Appellate District,  
Division One

## VALLEY (CHARLES E.) ON H.C.

Petition for review denied

**S137790**

B185847 Second Appellate District,  
Division Seven

ROMANO (JOSE LUIS) ON H.C.

Petition for review denied

**S137791**

B185438 Second Appellate District,  
Division Two

LEWIS (SAMUEL) ON H.C.

Petition for review denied

**S137824**

C047905 Third Appellate District

HARTLINE v. KAISER FOUNDATION HOSPITALS

Petition for review denied

Werdegar, J., was recused and did not  
participate.

**S137862**

A105802 First Appellate District,  
Division Three

PEOPLE v. LOVE

Petition for review denied

**S137877**

B177397 Second Appellate District,  
Division Four

FREEMAN, MARRIAGE OF

Petition for review denied

**S137903**

B177103 Second Appellate District,  
Division Seven

PEOPLE v. BELICIU

Petition for review denied

**S137916**

A104009 First Appellate District,  
Division Three

PEOPLE v. QUINTANILLA

Petition for review and depublication request denied

**S137921**

C046507 Third Appellate District

FRAZIER, MARRIAGE OF

Petition for review denied

**S137928**

E036759 Fourth Appellate District,  
Division Two

PEOPLE v. HERERRA

Petition for review denied

**S137932**  
C047452 Third Appellate District

BROWN v. DEPARTMENT OF CORRECTIONS  
Petition for review denied

**S137944**  
A107926 First Appellate District,  
Division One

FALKOWSKI v. IMATION  
Petition for review denied

**S137973**  
B173477 Second Appellate District,  
Division Eight

MAHAGAMA COMPTRONICS INC. v. PERERA  
Petition for review denied

**S137974**  
B176272 Second Appellate District,  
Division Eight

PEOPLE v. ARAGON  
Petition for review denied

**S137981**  
E036666 Fourth Appellate District,  
Division Two

PEOPLE v. EVANS  
Petition for review denied

**S138008**  
B176024 Second Appellate District,  
Division Five

PEOPLE v. VELAZQUEZ  
Petition for review denied

**S138015**  
B174111 Second Appellate District,  
Division Eight

TURNER v. AON RISK SERVICES  
Petition for review denied

**S138020**  
G035983 Fourth Appellate District,  
Division Three

TRAN v. S.C. (NGUYEN)  
Petition for review denied

**S138024**  
B176746 Second Appellate District,  
Division Seven

PEOPLE v. NETTLES  
Petition for review denied

**S138027**  
B169930 Second Appellate District,  
Division Two

PEOPLE v. WALKER  
Petition for review denied

<b>S138029</b> F045966 Fifth Appellate District	PEOPLE v. LEWIS Petition for review denied
<b>S138041</b> B174356 Second Appellate District, Division Seven	PEOPLE v. SILLAS Petition for review denied
<b>S138042</b> E035392 Fourth Appellate District, Division Two	PEOPLE v. STEEN Petition for review denied
<b>S138044</b> B178526 Second Appellate District, Division Six	PEOPLE v. STRUNK Petition for review denied
<b>S138045</b> F046663 Fifth Appellate District	PEOPLE v. SALAZAR Petition for review denied
<b>S138048</b> D047233 Fourth Appellate District, Division One	GAFCON/TAYLOR v. S.C. (900 F STREET PARTNERS) Petition for review and application for stay denied
<b>S138050</b> B181763 Second Appellate District, Division Two	DAVIS v. BURKS (CITY OF LONG BEACH) Petition for review denied
<b>S138051</b> C045990 Third Appellate District	PEOPLE v. JONES Petition for review denied
<b>S138066</b> E035726 Fourth Appellate District, Division Two	PEOPLE v. WILLIAMS Petition for review denied
<b>S138067</b> E038774 Fourth Appellate District, Division Two	GLASS STRAND v. S.C. (KHIREIWISH) Petition for review denied

**S138069**

B173817 Second Appellate District,  
Division Seven

PEOPLE v. COLLUM

Petition for review denied

**S138071**

B177661 Second Appellate District,  
Division Five

PEOPLE v. BESS

Petition for review denied

**S138072**

B177366 Second Appellate District,  
Division Six

PEOPLE v. CASILLAS

Petition for review denied

**S138073**

F047631 Fifth Appellate District

T. (RUDI) IN RE

Petition for review denied

Baxter, J., was recused and did not participate.

**S138077**

A108937 First Appellate District,  
Division Four

PEOPLE v. LOCK

Petition for review denied

**S138078**

G032482 Fourth Appellate District,  
Division Three

PEOPLE v. STUBBS

Petition for review denied

**S138079**

B174716 Second Appellate District,  
Division Seven

F. (MANUEL) IN RE

Petition for review denied

**S138083**

B179664 Second Appellate District,  
Division Four

PEOPLE v. BUENO

Petition for review denied

**S138084**

G035860 Fourth Appellate District,  
Division Three

VO v. STATE OF CALIFORNIA EMPLOYEES

Petition for review denied

**S138090**

A108728 First Appellate District,  
Division Five

**HAKIM v. COOK**

Petition for review denied

**S138101**

B177508 Second Appellate District,  
Division Six

**PEOPLE v. MOORE**

Petition for review denied

**S138105**

B175030 Second Appellate District,  
Division Five

**P. (ROBERT) IN RE**

Petition for review denied

**S138108**

B177740 Second Appellate District,  
Division Six

**BROWDER v. LOS ANGELES SCHOOL POLICE  
ASSOCIATION**

Petition for review denied

**S138112**

A107300 First Appellate District,  
Division Two

**L. (DANARIO) IN RE**

Petition for review denied

**S138113****MARIAN v. COUNTY OF VENTURA**

Petition for writ of mandate/prohibition denied

**S138115**

E036210 Fourth Appellate District,  
Division Two

**PEOPLE v. RIOS**

Petition for review denied

**S138117**

B175111 Second Appellate District,  
Division Seven

**PEOPLE v. HOOKS**

Petition for review denied

**S138118**

C048902 Third Appellate District

**PEOPLE v. PARHAM**

Petition for review denied

**S138120**

C048815 Third Appellate District

**PEOPLE v. JIMENEZ**

Petition for review denied

**S138121**

B177826 Second Appellate District,  
Division Four

MOSQUEDA v. DON MASSEY CADILLAC

Petition for review denied

**S138124**

B171440 Second Appellate District,  
Division Two

PEOPLE v. VARGAS

Petition for review denied

**S138125**

B175366 Second Appellate District,  
Division Two

PEOPLE v. THOMAS

Petition for review denied

**S138129**

B186258 Second Appellate District,  
Division One

MOORE v. S.C. (BRYANT)

Petition for review denied

**S138132**

F045904 Fifth Appellate District

PEOPLE v. SANDOVAL

Petition for review denied

**S138134**

D044095 Fourth Appellate District,  
Division One

PEOPLE v. ASH

Petition for review denied

**S138140**

E036647 Fourth Appellate District,  
Division Two

PEOPLE v. HAMZA

Petition for review denied

**S138141**

E036258 Fourth Appellate District,  
Division Two

CITY OF RIVERSIDE v. VALLEY OUTDOOR

Petition for review denied

**S138143**

E035854 Fourth Appellate District,  
Division Two

PEOPLE v. LOZOLLA

Petition for review denied

**S138145**

D045450 Fourth Appellate District,  
Division One

PEOPLE v. LOMACK

Petition for review denied



**S138148**

D045276 Fourth Appellate District,  
Division One

## JOHANESSEN, MARRIAGE OF

Petition for review denied

**S138157**

C048118 Third Appellate District

## PEOPLE v. SCHOEB

Petition for review denied

Request for judicial notice denied.

**S138165**

B174215 Second Appellate District,  
Division Seven

## PEOPLE v. NAVARRO

Petition for review denied

**S138173**

D044641 Fourth Appellate District,  
Division One

## PEOPLE v. HAYES

Petition for review denied

**S138175**

## CLARK v. S.C. (CLARK)

Petition for writ of mandate denied

**S138189**

C048331 Third Appellate District

## PEOPLE v. SOMMERVILLE

Petition for review denied

**S138203**

B180598 Second Appellate District,  
Division Six

## PEOPLE v. MOORE

Petition for review denied

**S138213**

## WONG ON REINSTATEMENT

Petition for writ of review denied

Upon petition for reinstatement and recommendation of the State Bar of California, it is ordered that **Jackson Dwight Wong** be reinstated as a member of the State Bar of California upon payment of the fees and taking the oath required by law.

**S138214**

A107210 First Appellate District,  
A108969 Division One

LITMON v. LITMON

Petition for review denied

**S138219**

B179243 Second Appellate District,  
Division Five

PEOPLE v. HOWARD

Petition for review denied

**S138220**

B181536 Second Appellate District,  
Division Four

PEOPLE v. TORRES

Petition for review denied

**S138223**

D044838 Fourth Appellate District,  
Division One

PEOPLE v. CANTRELL

Petition for review denied

**S138224**

B168696 Second Appellate District,  
Division Two

PEOPLE v. MARROQUIN

Petition for review denied

**S138226**

F046903 Fifth Appellate District

W. (CHEYENNE) IN RE

Petition for review denied

**S138227**

E037740 Fourth Appellate District,  
Division Two

LOCKHEED MARTIN v. S.C. (BRADFORD)

Petition for review denied

**S138228**

G034359 Fourth Appellate District,  
Division Three

MAHAFFEY &amp; ASSOCIATES v. KELTER

Petition for review denied

**S138229**

F044998 Fifth Appellate District

PEOPLE v. LAMB

Petition for review denied

Baxter, J., was recused and did not participate.

**S138232**

F046985 Fifth Appellate District

PEOPLE v. WALTER

Petition for review denied

**S138234**

A106218 First Appellate District,  
Division One

## PEOPLE v. RODRIGUEZ

Petition for review denied

**S138236**

F047105 Fifth Appellate District

## G. (KADEEM) IN RE

Petition for review denied

**S138237**

C049157 Third Appellate District

## CASTRONUEVO v. S.C. (PEOPLE)

Petition for review denied

Kennard, J., is of the opinion the petition should  
be granted.

**S138238**

B179694 Second Appellate District,  
Division Five

## PEOPLE v. HILL

Petition for review denied

**S138240**

B179567 Second Appellate District,  
Division Six

## PEOPLE v. GOLDEN

Petition for review denied

**S138243**

C047458 Third Appellate District

## PEOPLE v. SMITH

Petition for review denied

**S138245**

B179300 Second Appellate District,  
Division Five

## PEOPLE v. JIMENEZ

Petition for review denied

**S138246**

C045454 Third Appellate District

## PEOPLE v. DELETTRE

Petition for review denied

**S138251**

C048895 Third Appellate District

## S. (JAMES) IN RE

Petition for review denied

**S138252**

B176699 Second Appellate District,  
Division Four

## PEOPLE v. PEARSON

Petition for review denied

**S138268**

B179872 Second Appellate District,  
Division Five

PEOPLE v. JEFFERSON

Petition for review denied

**S138270**

B184604 Second Appellate District,  
Division Two

GOLD v. S.C. (BREN)

Petition for review denied

**S138273**

H028199 Sixth Appellate District

PEOPLE v. MONTEZ

Petition for review denied

**S138275**

F044880 Fifth Appellate District

PEOPLE v. BENYAMINI

Petition for review denied

**S138290**

C047373 Third Appellate District

PEOPLE v. CHASTAIN

Petition for review denied

**S138291**

E035429 Fourth Appellate District,  
Division Two

SANBORN v. CITY OF SAN BERNARDINO

Petition for review denied

**S138293**

A111518 First Appellate District,  
Division Three

CLARKE-KATZENBERG v. S.C. (KATZENBERG)

Petition for review denied

**S138295**

B178897 Second Appellate District,  
Division Seven

PEOPLE v. BRACEY

Petition for review denied

**S138296**

A102928 First Appellate District,  
Division Two

PEOPLE v. PONCE

Petition for review denied

**S138300**

A106141 First Appellate District,  
Division Four

PEOPLE v. COTTON

Petition for review denied

**S138304**

B173499 Second Appellate District,  
Division Five

BAILEY v. N & M RESTAURANTS, INC.

Petition for review denied

The request for an order directing publication of  
the opinion is denied.

**S138309**

D045275 Fourth Appellate District,  
Division One

PEOPLE v. BISSELL

Petition for review denied

**S138310**

B177300 Second Appellate District,  
Division Two

PEOPLE v. ANDERSON

Petition for review denied

**S138311**

WALKER v. S.C. (PEOPLE)

Petition for writ of mandate denied

**S138314**

A107873 First Appellate District,  
Division Five

PEOPLE v. WILLIAMS

Petition for review denied

**S138317**

D044501 Fourth Appellate District,  
Division One

DEZ CONSTRUCTION v. CALEXICO UNIFIED  
SCHOOL (DENTON)

Petition for review denied

**S138318**

F040771 Fifth Appellate District

HERNANDEZ v. GONZALEZ

Petition for review denied

**S138319**

F042412 Fifth Appellate District

HERNANDEZ v. GONZALEZ

Petition for review denied

**S138320**

B174489 Second Appellate District,  
Division Three

PEOPLE v. SMITH

Petition for review denied

**S138323**

G034368 Fourth Appellate District,  
Division Three

L. (CARLOS) IN RE

Petition for review denied

**S138327**  
B181374 Second Appellate District,  
Division Seven

PEOPLE v. HOLGUIN  
Petition for review denied

**S138330**  
B176977 Second Appellate District,  
Division Three

PEOPLE v. JORDAN  
Petition for review denied

**S138334**  
C048037 Third Appellate District

PEOPLE v. COX  
Petition for review denied

**S138338**  
B177376 Second Appellate District,  
Division Five

PEOPLE v. STRONG  
Petition for review denied

**S138342**  
C042320 Third Appellate District

PEOPLE v. SMITH  
Petition for review denied

**S138344**  
H027946 Sixth Appellate District

PEOPLE v. PEREZ  
Petition for review denied

**S138345**  
H028042 Sixth Appellate District

PEOPLE v. RODRIGUEZ  
Petition for review denied

**S138346**  
C048260 Third Appellate District

PEOPLE v. BUSER  
Petition for review denied

**S138348**  
H027942 Sixth Appellate District

PEOPLE v. PHAM  
Petitions for review denied

**S138351**  
D044926 Fourth Appellate District,  
Division One

W., MARRIAGE OF  
Petition for review denied

**S138352**  
B181441 Second Appellate District,  
Division Five

PEOPLE v. ROBBINS  
Petition for review denied

**S138354**

B175754 Second Appellate District,  
Division Seven

PEOPLE v. SMITH

Petition for review denied

**S138361**

B186075 Second Appellate District,  
Division Eight

RODRIGUEZ v. S.C. (PEOPLE)

Petition for review and application for stay denied

**S138367**

C045753 Third Appellate District

CORNEJO v. REGENTS

Petition for review denied

**S138368**

B176480 Second Appellate District,  
Division Four

PEOPLE v. AREVALO

Petition for review denied

**S138369**

C047115 Third Appellate District

PEOPLE v. ALEXANDER

Petition for review denied

**S138370**

D045843 Fourth Appellate District,  
D046350 Division One

V. (X) IN RE

Petition for review and depublication request denied

**S138371**

D046134 Fourth Appellate District,  
Division One

M. (GENARO) IN RE

Petition for review denied

**S138374**

H027532 Sixth Appellate District

MWANIKI v. EBAY, INC.

Petition for review denied

**S138379**

H027548 Sixth Appellate District

PEOPLE v. LEE

Petition for review denied

**S138380**

B178062 Second Appellate District,  
Division Five

SIERRA CLUB v. CITY OF MALIBU (FORGE)

Petition for review denied

**S138383**

C044994 Third Appellate District

PEOPLE v. ALDEN

Petition for review denied

**S138384**B170083 Second Appellate District,  
Division Two

PEOPLE v. BYRD

Petition for review denied

**S138391**E036458 Fourth Appellate District,  
Division Two

GREEN v. FIRST AMERICAN TITLE INSURANCE

Petition for review denied

George, C.J., was recused and did not  
participate.**S138392**B178523 Second Appellate District,  
Division Five

PEOPLE v. TAYLOR

Petition for review denied

**S138396**B182938 Second Appellate District,  
Division TwoLOS ANGELES COMMUNITY COLLEGE v.  
W.C.A.B and STOKES

Petition for review denied

Moreno, J., was recused and did not participate.

**S138397**A106581 First Appellate District,  
Division Five

PEOPLE v. PONCE

Petition for review denied

**S138400**

C048690 Third Appellate District

PEOPLE v. BAKER

Petition for review denied

**S138401**A105701 First Appellate District,  
Division Two

PEOPLE v. LEWIS

Petition for review denied

**S138402**B177881 Second Appellate District,  
Division Six

D. (RAMON) IN RE

Petition for review denied



**S138403**

E035604 Fourth Appellate District,  
Division Two

PEOPLE v. ADAIR

Petition for review denied

**S138404**

H028407 Sixth Appellate District

PEOPLE v. MARTIN

Petition for review denied

without prejudice to any relief to which  
defendant might be entitled after this court  
decides *People v. Crandell*, S134883

**S138413**

G035771 Fourth Appellate District,  
G035730 Division Three

FINK v. S.C. (KENNEDY)

Petition for review denied

**S138421**

E035642 Fourth Appellate District,  
Division Two

PEOPLE v. STAFFORD

Petition for review denied

**S138423**

B175267 Second Appellate District,  
Division Four

PEOPLE v. PRATT

Petition for review denied

**S138428**

G035730 Fourth Appellate District,  
G035771 Division Three

FINK v. S.C. (CALSTAR PROPERTIES)

Petition for review and application for stay denied

**S138430**

A108894 First Appellate District,  
Division Two

SCOTT (GEORGE) ON H.C.

Petition for review and application for stay denied

The request for an order directing depublication  
of the opinion is denied.

Baxter, J., is of the opinion the petition should  
be granted.

**S138431**

E036068 Fourth Appellate District,  
Division Two

PEOPLE v. YATES

Petition for review denied

**S138445**

B186573 Second Appellate District,  
Division Seven

WILLDAN ASSOCIATES v. S.C. (SAILIC  
CONTRACTORS CORPORATION)  
Petition for review denied

**S138462**

A106943 First Appellate District,  
Division Three

PEOPLE v. JONES  
Petition for review denied

**S138490**

WASHINGTON v. SUPREME COURT  
Petition for writ of mandate denied

**S138505**

D045766 Fourth Appellate District,  
Division One

PEOPLE v. MIRANDA  
Petition for review denied

**S138589**

H029204 Sixth Appellate District

ALANIS v. S.C. (PEOPLE)  
Petition for review and application for stay denied

**S138675**

B186331 Second Appellate District,  
Division Two

HALEY (DONOVAN L.) ON H.C.  
Petition for review and application for stay denied

**S138678**

B186202 Second Appellate District,  
Division Two

HALEY (DONOVAN L.) ON H.C.  
Petition for review and application for stay denied

**S138803**

B186135 Second Appellate District,  
Division Eight

7-ELEVEN INC. v. A.B.C.  
Petition for review and application for stay denied

**S138804**

B186131 Second Appellate District,  
Division Eight

ATWAL v. A.B.C.  
Petition for review and application for stay denied

**S138805**

B186133 Second Appellate District,  
Division Eight

7-ELEVEN INC. v. A.B.C.  
Petition for review and application for stay denied

**S136512**

PEREZ (OSCAR) ON H.C.  
Petition for writ of habeas corpus denied

Baxter, J., was recused and did not participate.

**S138610**

HAYES (LEVERT) ON H.C.  
Petition for writ of habeas corpus denied

**S138734**

PARTEE (JASON) ON H.C.  
Petition for writ of habeas corpus denied

Kennard, J., is of the opinion an order to show cause should be issued.

**S138308**

B171593 Second Appellate District,  
Division One

HOPE v. CALIFORNIA YOUTH AUTHORITY  
Publication ordered

On the recommendation of the Court of Appeal pursuant to rule 978 of the California Rules of Court, the Reporter of Decisions is directed to publish the opinion in the above-entitled appeal in the Official Reports. (See rule 978 (c)(2), California Rules of Court.)

**S137562**

A107811 First Appellate District,  
Division One

PEOPLE v. MARCHBANKS  
Publication request denied

**S137882**

A106872 First Appellate District,  
Division One

WISE v. KELLY MOORE PAINT COMPANY  
Publication request denied

**S138107**

E038202 Fourth Appellate District,  
Division Two

DEPARTMENT OF TRANSPORTATION v. S.C.  
(PATINO)  
Publication request denied

**S138126**

B177655 Second Appellate District,  
Division Three

ASSAAD v. CARLTON OWNERS ASSOCIATION  
Publication request denied

**S138331**

B175949 Second Appellate District,  
Division Two

SNOWDEN v. KEMPER EMPLOYERS CLAIMS  
SERVICE

Publication request denied

**S138332**

A107765 First Appellate District,  
Division Three

ALLIED ARTS NEIGHBORS v. CITY OF MENLO  
PARK

Publication request denied

**S138340**

D044909 Fourth Appellate District,  
Division One

PEOPLE v. SANTIAGO

Publication request denied

**S138341**

B175221 Second Appellate District,  
Division Seven

SIMON MARKETING INC. v.  
PRICEWATERHOUSECOOPERS

Publication request denied

**S138484**

A107342 First Appellate District,  
Division Three

C. (TYRESHA) IN RE

Publication request denied

**S137525**

B173512 Second Appellate District,  
B175474 Division Two

RENKO v. NORTHRIDGE CARE CENTER

Time extended to grant or deny review

to January 2, 2006.

**S137655**

A108654 First Appellate District,  
Division Three

E. (MAURICE) IN RE

Time extended to grant or deny review

to December. 30, 2005.

**S137744**

B174161 Second Appellate District,  
Division One

PEOPLE v. AVILA

Time extended to grant or deny review

to December. 30, 2005.

**S137784**

H027607 Sixth Appellate District

PEOPLE v. CARRILLO

Time extended to grant or deny review

to January 3, 2006.

**S137794**

A105204 First Appellate District,  
Division Three

PEOPLE v. FLOREZ

Time extended to grant or deny review

to January 4, 2006.

**S137895**

C045357 Third Appellate District

PEOPLE v. KEOVILAYPHONE

Time extended to grant or deny review

to January 9, 2006.

**S055528**

PEOPLE v. BARNWELL (LAMAR)

Extension of time granted

to January 27, 2006 to file the appellant's reply brief. After that date, only one further extension totaling about 60 additional days will be granted. Extension is granted based upon Assistant State Public Defender Jessica K. McGuire's representation that she anticipates filing that brief by March 27, 2006.

**S075725**

PEOPLE v. JONES (KIONGOZI)

Extension of time granted

to January 27, 2006 to file the appellant's opening brief. The court anticipates that after that date, only ten further extensions totaling about 600 additional days will be granted. Counsel is ordered to inform his or her supervising attorney, if any, of this schedule, and to take all steps necessary to meet it.

**S085348**

PEOPLE v. CASTANEDA (GABRIEL)

Extension of time granted

to January 24, 2006 to file the appellant's opening brief. The court anticipates that after that date, only one further extension totaling about 60 additional days will be granted.

Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S133114**  
H027483 Sixth Appellate District

PEOPLE v. KELLY  
Extension of time granted

to December 30, 2005 to file respondent's answer brief on the merits.

**S134365**

FAUBER (CURTIS L.) ON H.C.  
Extension of time granted

to December 15, 2005 to file reply to informal response to the petition for writ of habeas corpus.

**S004365**

PEOPLE v. WILLIAMS (STANLEY)  
Discovery motion denied

The "Motion for Post-Judgment Discovery Under Penal Code Section 1054.9, *In re Steele* (2004) 32 Cal. 4th 682, and *Brady v. Maryland* (1963) 373 U.S. 83," filed on November 10, 2005, is denied.

George, C.J., and Kennard, J., would grant the motion.

**S137389**

WILLIAMS (BOB) ON H.C.  
Motion for access to sealed record granted

Respondent's "Request for Sealed Records Pursuant to Penal Code Section 987.9, Subdivision (d)" is granted.

The clerk is directed to provide respondent with copies of the following material from the record in *People v. Williams*, S056391:

Sealed First Supplemental Clerk's Transcript on Appeal, volume 1, pages 2 through 66 and 79

through 271 (pages 67 through 78 previously have been unsealed and copies have been provided to respondent), and volume 2, pages 272 through 534;

Sealed Second Supplemental Clerk's Transcript/Ex Parte Motion for Additional Investigator's Fees and Order, pages 4 through 6, dated November 18, 1994;

Sealed Reporter's Transcript on Appeal of hearing of January 25, 1995, pages 2 through 8;

Sealed Reporter's Transcript on Appeal of hearing of May 17, 1995, pages 2 through 5;

Sealed Reporter's Transcript on Appeal of hearing of June 10, 1996, pages 2 through 3;

Sealed Reporter's Transcript of Testimony and Proceedings of hearing of June 25, 1996, pages 2 through 6; and

Sealed Reporter's Transcript (Augment) of hearing of July 5, 1996, pages 2 through 3.

Respondent is directed to use these documents only in these habeas corpus proceedings. (Pen. Code, § 987.9, subd. (d).) If respondent wishes to quote, cite, disclose, or describe these documents in any court papers, those papers must themselves be filed or lodged under seal, or respondent may move this court to unseal the documents.

The clerk is directed to maintain these documents under seal.

**S034800**

PEOPLE v. DEHOYOS (RICHARD L.)  
Order filed

Good cause appearing, appellant's "Application for an Order Allowing Counsel to Inspect and Copy Sealed and Confidential Transcripts and Other Documents in the Record on Appeal," filed on June 17, 2005, is granted. Counsel is granted access to the following sealed materials: (1) the report by Dr. La Calle filed on August 28, 1991 (C.T. I pp. 489-491), (2) medical reports for appellant (C.T. I pp. 494-630), (3) pages 482-490, 507-517, 842-857, 983-995, 1045-1050, 1108-1110, 1130-1135 of the Reporter's Transcript of the first trial, (4) billing

documentation and related confidential filings of prior appellate and habeas counsel, and (5) status reports of prior counsel. To the extent the parties quote, disclose, or describe these materials in any court papers, those papers must be filed or lodged under seal.

Counsel must supply the personnel and equipment necessary to undertake this review and copying of the records, which must occur on the premises of the court.

**S060500**

PEOPLE v. DARCY (JONATHAN D.)  
Motion denied

"Respondent's Renewed Motion to Unseal Records," filed October 27, 2005, is denied.

**S107856**

CREW (MARK C.) ON H.C.  
Motion denied

Petitioner's "Motion to Reconsider and StrikeReference Order," filed on October 24, 2005, is denied.

**S136498**

C044964 Third Appellate District

PEOPLE v. SCOTT  
Order filed

Petitioner Scott's application for relief from default is granted. Petitioner may brief the issue specified in this court's November 16, 2005, order granting review. (Cal. Rules of Court, rule 29.1.)

**S138100**

KOLEV, ACCUSATION OF  
Petition denied

**S138294**

MINTS, ACCUSATION OF  
Petition denied

**S138315**

BOSINGER, ACCUSATION OF  
Petition denied



**S138326**STYMELSKI, ACCUSATION OF  
Petition denied**S138478**GREENAN, ACCUSATION OF  
Petition denied**S138537**PFEISTER, ACCUSATION OF  
Petition denied**S138551**DOERR, ACCUSATION OF  
Petition denied**S136736**REGAN ON DISCIPLINE  
Petition for writ of review denied; disbarred

It is hereby ordered that  
**JAMES CARLISLE REGAN, State Bar No. 101905**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar.

The court is in receipt of a document entitled: Notice of Bankruptcy Stay, dated November 28, 2005. The filing of a petition in bankruptcy does not operate as an automatic stay of attorney disciplinary proceedings. (11 U.S.C. § 362, subd. (b)(4); *In re Wade* (9th Cir. 1991) 948 F.2d 1122, 1124-1125.)

\*(See Bus. and Prof. Code, § 6126, subd. (c).)

